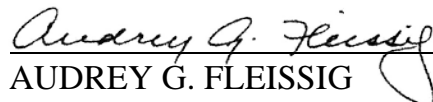


U.S.C. § 233(g)(1)(A).” *Divers v. Halls*, 4:12CV3226, 2013 WL 459633, at *2 (D. Neb. Feb. 7, 2013). “Under the FTCA, an action shall not be instituted upon a claim against the United States for money damages for injury or loss of property or personal injury or death unless the claimant has first exhausted administrative remedies. 28 U.S.C. § 2675(a) (requiring presentment of the claim to the appropriate federal agency and the agency’s final denial of the claim).” *Id.* Conformity with § 2675(a) is a jurisdictional prerequisite of the FTCA’s limited waiver of sovereign immunity. *Id. citing Mader v. United States*, 654 F.3d 794, 808 (8th Cir. 2011).

Defendant avers, and Plaintiff has not refuted, that Plaintiff has not presented an administrative claim to the Department of Health and Human Services. Consequently, this Court does not have subject matter jurisdiction and must dismiss the case.

Accordingly,

IT IS HEREBY ORDERED that Defendant’s motion to dismiss for lack of subject matter jurisdiction is **GRANTED**. ECF No. 7. A separate Order of Dismissal shall accompany this Memorandum and Order.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 7th day of September, 2018.